

# **APPENDIX F**

## **Proposed Protective Zoning By-Law Section 4: SPECIAL REGULATIONS**

### **Section 4.6**

#### **4. SPECIAL REGULATIONS**

##### **4.6 Home Occupations**

###### **4.6.1. Types of Home Occupations**

In this Bylaw, home occupations are regulated according to the following use categories:

- a. Home professional office: office for the practice of a profession involving a high degree of training in the humanities, science or arts, such as medicine, law, engineering or fine arts.
- b. Home personal service: personal services, such as insurance, notary public, real estate broker, beauty care, clerical services; studio for the teaching of fine, performing or domestic arts and crafts; home care or therapy (for pay) for not more than three patients or children.
- c. Home business workshop: the business or shop of a painter, carpenter, electrician or similar trade.
- d. Home specialty retail: the sale of specialty products made on the premises, such as dressmaking, home baking or catering, or arts and crafts; or collector's items, such as antiques, stamps, coins. Home specialty retail does not include the sale of products raised and grown on the premises of an agricultural use on more than five acres of land.

###### **4.6.2. Permitted Home Occupations**

In any zoning district, home occupations listed as a permitted use in the use regulations or that district do not require a Special Permit if they comply with the following requirements:

- a. The occupation must be operated by a person residing on the premises, and it shall employ on those premises not more than three (3) persons not resident thereon;
- b. There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises, except for a sign that conforms to the requirements of Section 6 of this Bylaw;
- c. Any exterior storage of materials or equipment or business-related parking shall be so located and screened, through location, grade or landscaping, from adjacent properties;
- d. Not more than two (2) vehicles requiring registration as taxis, buses, or commercial vehicles shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 lbs. or have more than two (2) axles;
- e. Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics; and
- f. The occupation shall be conducted within a dwelling or accessory structure and occupy not more than twenty-five percent (25%) of the combined total floor area unless the Board of Appeals authorizes a larger percentage by Special Permit.

###### **4.6.3. Home Occupations by Special Permit**

- a. A Special Permit from the Board of Appeals is required for any home occupation that does not comply with the requirements of Section 4.6.2 or that is otherwise listed as a special permitted home occupation in the use regulations for a zoning district. The Board of Appeals may grant a Special Permit only upon determining that the use will not create hazard, disturbance to any abutter, or injury to the neighborhood, and will not create unsightliness visible from any public way or neighboring property.
- b. In its discretion, the Board of Appeals may impose conditions and limitations as necessary to protect abutting properties and the public, including that a home occupation authorized by the Special Permit may not be transferred to a different operator without a new Special Permit, that the occupation shall be subject to compliance review by the Building Inspector at periods specified in the Special Permit, and that such permit may be revoked by a majority vote of the Board of Appeals at any time after notice and hearing, upon the Board's determination that the terms of the Special Permit are being violated.

###### **4.6.4. Enforcement**

Home occupation uses shall be enforced as follows:

- a. A certificate of Use and Occupancy must be obtained from the Building Inspector indicating compliance with these requirements prior to initiation of a home occupation.
- b. The Building Inspector shall enforce these provisions and any person may request enforcement where a violation is believed to exist, as provided in M.G.L. c. 40A, Section 7, and if dissatisfied with the outcome, such person may bring an appeal to the Board of Appeals for hearing and action as provided in M.G.L. c.40A, Section 8.